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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID MAURICE SMITH,

Defendant and Appellant.

2d Crim. No. B263982  
(Super. Ct. No. YA050327-01)  
(Los Angeles County)

David Maurice Smith appeals an order denying most of his Proposition 47 petition. (Penal Code § 1170.18.)<sup>1</sup>

A jury convicted Smith of 12 counts of grand theft of personal property over \$400,000 in value (§ 487, subd. (a)) and 12 counts of theft from an elder or dependant adult (§ 368, subd. (d)). The trial court sentenced Smith to 12 consecutive 25 years to life terms on the grand theft counts pursuant to the "Three Strikes" law (§§ 667, subds. (b)-(i); 1170.12, subds. (a)-(d)) and stayed sentence of the theft from an elder counts pursuant to section 654, for a total term of 300 years to life. We affirmed in full on *People v. Smith* (Dec. 16, 2003, B161815) [nonpub. opn].

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<sup>1</sup> All statutory references are to the Penal Code unless otherwise stated.

When Smith petitioned to reduce his convictions to misdemeanors, the trial court found only two counts qualified, one count of grand theft and its corresponding theft from an elder.

We appointed counsel to represent Smith in this appeal. After counsel's examination of the record, he filed an opening brief raising no issues.

On January 13, 2016, we advised Smith by mail that he had 30 days within which to personally submit any contentions he wished to raise on appeal. We received no reply.

We have reviewed the entire record and are satisfied that Smith's attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment (order) is affirmed.

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GILBERT, P. J.

We concur:

YEGAN, J.

PERREN, J.

Mark S. Arnold, Judge

Superior Court County of Los Angeles

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Edward J. Haggerty, under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance for Plaintiff and Respondent.